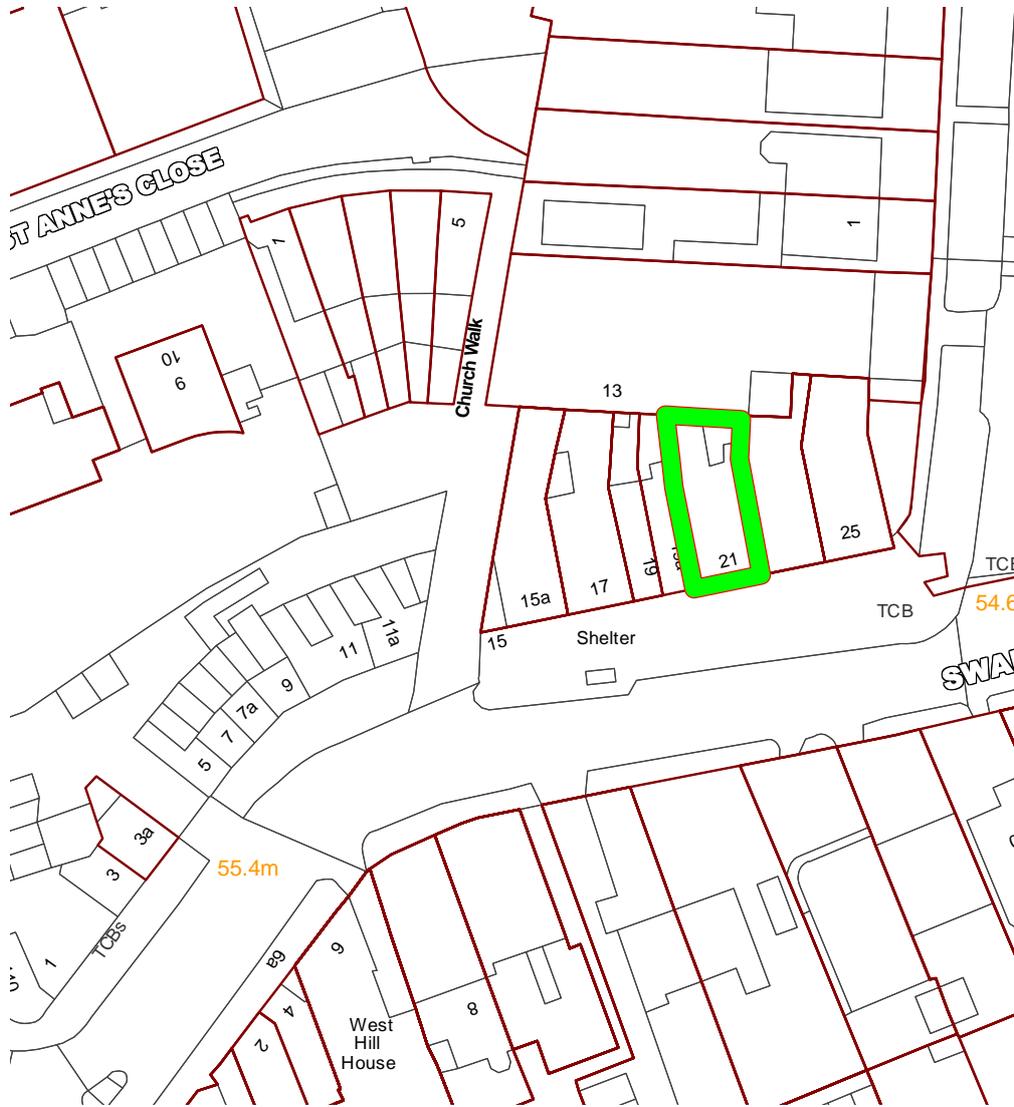


2017/4233/P & 2017/5950/P

21 SWAIN'S LANE

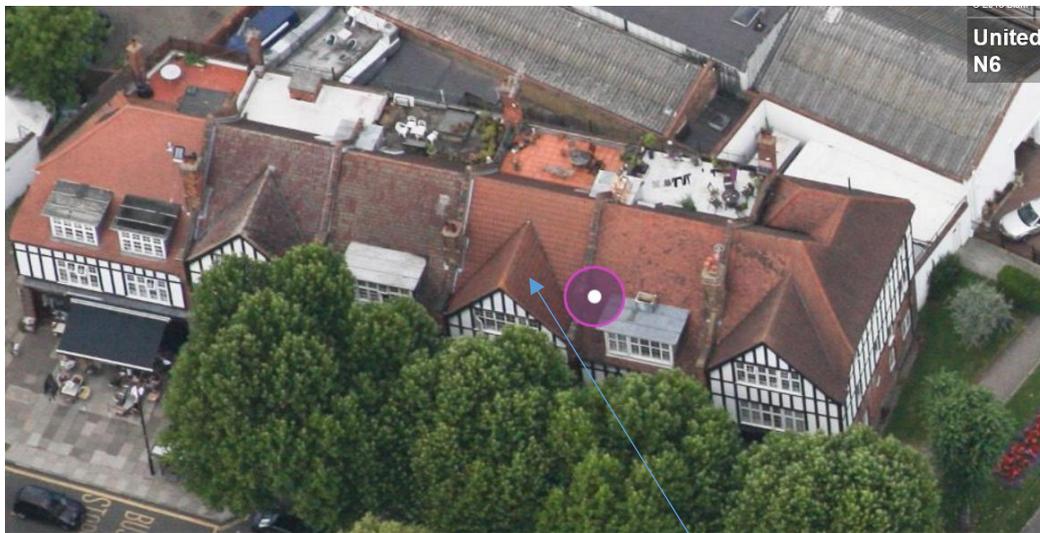


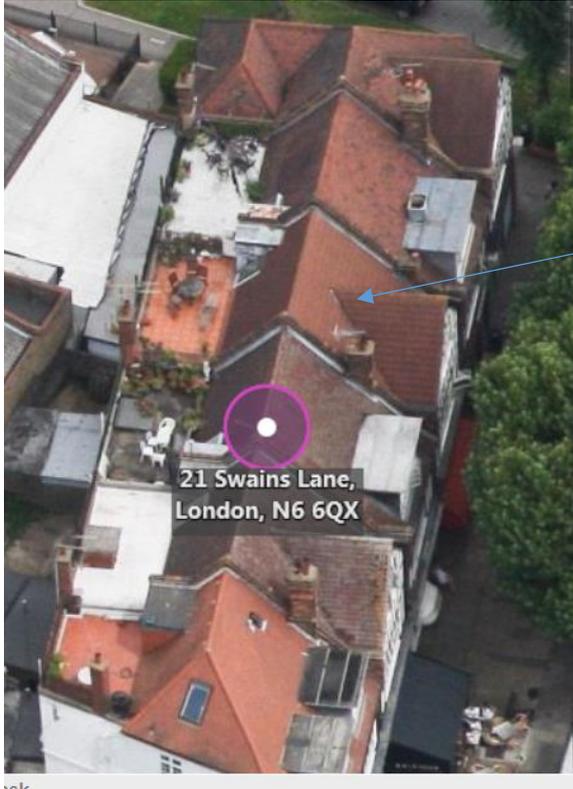
View of the premises from Swain's Lane and inside



Bird's eye view of the site address:

View 1 & 2: showing the roof terraces along the row of properties at the exception of No25 Swain's Lane





Site Address – 21
Swain's Lane

View 3: Showing the ventilation equipment used by Kalendar, No15a-17 Swain's Lane – The ducts have been installed away from the rear elevation and are not going above the roof level due to the presence of roof terraces.



21 Swains Lane,
London, N6 6QX

Ventilation ducts for
Kalendar

Site Address – 21
Swain's Lane

Delegated Report		Analysis sheet	Expiry Date:	20/12/2017
(Members Briefing)		N/A	Consultation Expiry Date:	07/12/2017
Officer			Application Number(s)	
Matthias Gentet			1) 2017/4233/P 2) 2017/5950/P	
Application Address			Drawing Numbers	
21 Swain's Lane LONDON N6 6QX			1) Design & Access Statement (25/07/2017); Appendix 1 - Planning Policy Context (25/07/2017); [15009_] 1100 rev01, 1101 rev01. 2) Full Maintenance Plan with Recording Sheet; Odour Control Maintenance Statement; Revised Design and Access Statement (received 23/10/2017); Cover Letter (25/10/2017); 0000 (Site Location Plan), 0100 Rev01; 0101 Rev01; 0200 Rev01; 0300 Rev01; 1100 Rev06; 1101 Rev06; 1200 Rev06; 1300 Rev06 - Floor Plans, Elevations and Sections (26/10/2017).	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
1) Change of use from A1(Retail) to mixed A1/A3 (Retail and Cafe/Restaurant) at ground floor level. 2) Retention of extract flue and cowl to flat roof in rear courtyard and installation of additional odour mitigation and noise attenuation equipment within rear extension				
Recommendation(s):		1) Grant conditional Planning Permission 2) Grant conditional planning permission		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	09	No. of objections	07
Summary of consultation responses:	<p>Site Notices were displayed on 15/11/2017 and expired on 06/12/2017, and a Press Advert was published on 16/11/2017 and expired on 07/12/2017.</p> <p>A letter of <u>support</u> from the Owner/occupier at 4 Grove Terrace, NW5 1PH, was received, summarised as follow:</p> <ul style="list-style-type: none"> - Fully support the change of use application. <p>A <u>petition (support)</u> containing 11 signatures was received, summarised as follow:</p> <ul style="list-style-type: none"> - Happy to have Gail's in our neighbourhood; - Enjoy the menu including option of eggs, pancakes and French Toast. <p>An objection from 19C Swain's Lane, N6 6QX was received, summarised as follows:</p> <ul style="list-style-type: none"> - Gail's have presented themselves as primarily a Bakery with a small café outlet; - Residents have been subjected to the smell from fried and greasy foods produced from re-heating bacon and other greasy foods; - Air filtration at the rear is actually unauthorised filtration system; - Residents have been voicing their complaints on a regular and accurate basis; - Homes and recreational roof terrace at the rear have become no-go areas; - Air pollution is so bad it causes eyes to sting and water and have experienced nausea from the stench and fatty fumes; - Swain's Lane has no less than 4 catering units and we do not need a full blown café with threats of A3 licence that could expand to applying for an alcohol licence and late night trading. - Our private lives have been invaded through entirely unnecessary glass roof without sound-proofing; - Delivery noises due to vans; - Up to £200 worth of unsold food is thrown out each night; - I have opened the white plastic sacks endless times to count what is being thrown out; - No 'sorting' out is taking place and Gail's made no attempts for charity organisations to collect and distribute these food items; - Gail's overall responses and behaviour to residents is arrogant, rude, un-reliable and full of unfathomable diatribe and broken promises. <p><u>Officer's Response:</u></p> <p>See paragraphs 4.1 to 4.13, 5.1 to 5.13 and 6.1 to 6.3</p> <ul style="list-style-type: none"> • <i>The Council has requested that Gail's stop providing cooked breakfasts under enforcement case reference: EN16/0292. Although the operation is still providing the sale of breads, pastries, hot and cold drinks, cooking smell should no longer be emanating from the premises. Application reference: 2017/4233/P (change of use) is to allow Gail's to carry out primary cooking.</i> • <i>The unauthorised flue located on the flat roof of the rear out building - forming part of the proposal under application reference: 2017/5950/P - is not in use. Fumes and odours are therefore not being generated by Gail's at the moment.</i> • <i>The various issues with noise nuisance caused by customers, deliveries, equipment, staff etc. and smells that have been reported to the Council by some residents have been investigated on numerous occasions. It was found that there was no breach and no further action was taken except for a WC fan to which a noise attenuator has been added.</i> • <i>The A3 use class does not provide an automatic right to an alcohol licence. The sale of alcohol on the premises would need to be assessed under a Premises Licence application whereby relevant conditions would be attached to ensure the amenity of the neighbours is not affected by the consumption of alcohol on the</i> 					

premises. It is not possible for officers to speculate on whether or not Gail's would eventually apply for an Alcohol Licence. The bakery would operate during the day only. The A3 use would enable the serving of hot food only in conjunction with the required and adequate ventilation and extract system – applied for under 2017/5950/P. The sale of alcohol would not be compatible with the core nature of the business.

- It is fair to say that the introduction of an A3 use class would indeed permit for the increase in the opening hours by either the current operator or by another should they take over the premises on Gail's leaving. If Gail's was to seek such amendment to its current opening hours, the Council would need to re-assess the impact of the A3 use class on the neighbours and the wider area. As such, the opening hours of the business have been conditioned.
- With regards to Alcohol Licence, any operator would need to apply for such licence should they wish to provide/serve alcoholic beverages. Any issues relating to any potential late opening hours and the sale of alcohol would then be dealt with by Environmental Health. It is worth noting that Alcohol Licences fall on the operator, not the premises/land. Any future business wishing to trade from No21 Swain's Lane would need to apply for a new Alcohol Licence to be granted – if the case may be – in their name(s).
- Any issues relating to the glazed conservatory is irrelevant to both applications. The conservatory was assessed and dealt with under the approved application reference: 2015/3266/P – granted on 26/08/2015.
- The Council cannot comment on the unsold items that are being thrown away. This is not a matter that is relevant to either proposal and cannot therefore be taken into consideration.

Objections were received, from Owner/occupier at:

19B Swain's Lane, N6 6QX

26 Swain's Lane, N6 6QX

28 Swain's Lane, N6 6QX

44 Swain's Lane, N6 6QR

(No not specified) Swain's Lane, N6 6QX

and summarised as follow:

- Swain's Lane is primarily a residential area, quiet at night;
- Already has 4 restaurants;
- Site has little sound insulation;
- Residents above already suffers from constant noise and smell and this would exacerbate.
- A3 could result in alcohol licences being granted to further their unpleasant disruption;
- The increase of cafes/restaurants has already changed the road from a relatively peaceful one into a noisy traffic nightmare;
- Increase in traffic is affecting the area in particular at weekends;
- Suffer from equipment noise at the back at different times during the night and early morning;
- Do not think that this will be addressed by further equipment or by the council in keeping to planning conditions;
- Noise at the back impact on my sleep due to early hours deliveries, and is worse at the front;
- Current filtration system is illegal, noisy and incapable of dealing with the current output produced by Gail's;
- Gail's has on occasions forgotten to switch off their current system;
- We live amongst the smog of Gail's and want to see regulations actively put in place;
- Concerns about serious health issue connected to fatty globules produced by Gail's proven to contribute to the development of cancerous cells in the blood stream.

Officer's Response:

See above and paragraphs 4.1 to 4.13, 5.1 to 5.13 and 6.1 to 6.3

Holy Lodge CAAC

2017/4233/P

Gail's occupy one of the outlets in the parade that front onto Swain's Lane, are part of the Holly Lodge Estate and form part of the local neighbourhood centre, Swain's Lane. This centre is small, currently 16 premises of which 5 are already A3, and is situated in a residential area close to Hampstead Heath.

In the parade where Gail's is situated the 4 neighbours to the west are A3, A3, A1, A2, with Gail's as A1/A3 it approaches the restriction referred to in CPG5, 3.60, no more than 3 consecutive premises being in non-retail use.

It's not clear what A1/A3 use is, it's not referred to in the legislation, there is no definition.

When Gail's first applied for permission to develop 21 Swain's Lane the use required was stated as

A1, retail, & the operation described as a bakery. Generally residents welcomed the application though some, particularly those living in close proximity, expressed concern about hours of operation, potential cooking operation, use of the back yard, etc. These concerns were well founded as on opening it became apparent that the early start required for bakery operation created noise in an otherwise peaceful district, cooking was taking place and with the fume extraction system not having been granted permission emitted nuisance smells, and light and noise from the rear conservatory disturbed the residents.

Although some improvements have since taken place and cooking has ceased all three issues remain and impact adversely on the quality of life of the neighbours which is contrary to DP26.

- Light from the conservatory – preferably the roof should be converted to solid, alternatively blinds should be installed. The lights should be controlled by a time switch ensuring they cannot be inadvertently left switched on when the shop is not occupied.
- Even without cooking fumes escaping from the shop and enter the neighbouring premises. There is a need for some form of fume extraction / treatment system that effectively eliminates escaping odours.
- Noise is reported as an issue.

The extension of Gail's business to include A3 would aggravate these issues, particularly smells and although this application is tied to the fume extraction application (2017/5950/P) it hasn't been installed and thus should not be granted.

2017/5950/P

One of the current issues in the bakery is the escape of smells resulting from the baking of croissants, pastries, etc, into the neighbouring flats. These smells escape from both the front & rear of the shop. If the escaping air was required to pass through the filters then it is probable that the odours would be absorbed. Some management is required around the rear door, which occasionally is opened. At the front, is the entry into the air extraction system close enough to ensure air doesn't flow out of an open door? The only extraction point shown on the drawings is over the proposed hob (and which is only required if some A3 operations are permitted).

There are minor inconsistencies between the layout drawing contained within the noise report and the proposed drawings. The report shows the layout of the odour mitigation equipment previously requested under 2015/3268/P and which was never determined.

Item - 2015/3268 drawings, 2017/5950 drawings - RPS report 2017/5950

Extraction Fan - near hob in ducting - in ducting in plant room beyond seating area

ESP filter - n/a - in plant room beyond seating area

Carbon filters - in ducting in seating area - in plant room beyond seating

Officer's Response:

See the above officer's response to the neighbours' comments and paragraphs 4.1 to 4.13, 5.1 to 5.13 and 6.1 to 6.3

Site Description

The site is located within a small row of six 3-storey Mock Tudor style terrace buildings on the north side of Swain's Lane and adjacent to one of the entrances to the Holly Lodge Estate to the east, with retail at ground floor level and residential to upper floors.

The site is located within the Holly Lodge Estate Conservation Area. The site address is not in a designated centre. It is, however, within the Swains Lane Neighbourhood Centre.

Relevant History

Site History:

- **2015/3266/P** – (granted on 26/08/2015) - Erection of a single storey rear conservatory following the demolition of existing outbuilding in connection with retail unit (Class A1).
- **2015/3267/P** – (granted on 26/08/2015) - Erection of a new shopfront and awning to retail unit (Class A1).
- **2015/3340/A** – (granted on 17/08/2015) - Display of externally illuminated fascia sign.
- **2015/3268/INVALID** - (withdraw on 30/10/2017) - Installation of a steam extract to rear outbuilding roof level in connection with retail unit (Class A1).
- **2015/5219/P** – (granted on 10/11/2015) - Alteration to residential entrance door part of the shopfront approved under planning permission (reference: 2015/3267/P) granted on 26/08/2015.
- **2015/5225/A** – (granted on 10/11/2015) - Installation of 1 x externally illuminated fascia sign.

Adjacent Sites:

No15A

- **PEX0200982** – (refused on 10/04/2003) - Change of use of ground floor premises and ancillary storage to rear from dry cleaners (class A1) to a café/bar (class A3); associated extract system and glazed shelter to rear, blocking up existing garage doors to side and new shop front.
- **2003/0145/P** – (refused on 13/10/2003) - Resubmission of previously refused planning application (ref PEX0200982R1) for the change of use of the ground floor premises and ancillary storage to the rear, from dry cleaners (class A1) to a café/bar (class A3); an associated extract system and glazed shelter to the rear, and the blocking up of existing garage doors to the side, and a new shop front.

No17

- **2010/5221/P** – (granted on 20/12/2010) – Erection of single storey rear extension and replacement of kitchen extraction equipment to the rear of existing cafe/restaurant (Class A3).
- **No19A**
- **2012/4542/P** – (granted on 26/10/2012) - Change of use at ground floor level from sandwich shop (Class A1) to estate agents (Class A2).

Site Enforcement History:

- **EN16/0064** - Use as an A3 – case closed on 18/03/2016.
- **EN16/0230** - New extractor flue installed to rear of A1 unit – case closed on 06/05/2016.
- **EN16/0292** - Installation of steam extract and vent duct to rear flat roof of outbuilding, and addition of a door to side elevation to outbuilding without planning permission - in connection with planning application 2015/3268/P yet to be determined – on-going.
- **EN17/0858** - Air conditioning fan above ground floor rear door - 17/08/2017.

Adjacent Site Enforcement History:

No15A

- **EN03/0641** – Change of Use from A1 to A3 – case closed on 17/11/2003

No19

- **EN05/0740** - Unauthorised change of use from retail to hot food take away – case closed on 20/08/2007 (not expedient to take action)

No23-25

- **EN10/0753** - Unauthorised plant to the rear – case closed on 21/05/2012 (no action).

Relevant policies**National Planning Policy Framework, 2012****The London Plan 2016****London Borough of Camden Local Plan 2017**

A1 (Managing the impact of development)

A4 (Noise and vibration)

C5 (Safety and security)

C6 (Access for all)

D1 (Design)

D2 (Heritage)

D3 (Shopfronts)

D4 (Advertisements)

G1 (Delivery and location of growth)

CC5 (Waste)

TC2 (Camden's centres and other shopping areas)

TC3 (Shops outside of centres)

TC4 (Town centres uses)

Camden Planning Guidance (2013)

CPG5 (Town Centre)

CPG6 (Amenity)

CPG7 (Transport)

Camden Planning Guidance (2015)

CGP1 (Design)

CPG3 (Sustainability)

CPG8 (Planning Obligations)

Holly Lodge Estate Conservation Area Appraisal (December 2012)

Assessment

1. Proposal

- 1.1 The proposal seeks permission for the change of use at ground floor level from Retail (Class A1) to a mixed Retail/Café (Class A1/A3) use to allow for the provision/serving of cooked food.
- 1.2 Consent is also sought for the installation of additional odour mitigation and noise attenuation equipment within the existing outbuilding to retain the kitchen extract flue and cowl mounted on the flat roof within the rear courtyard, connected to the change of use.

2. Background

- 2.1 An original application for the flue on the rear flat roof was submitted in 2015 under application reference: 2015/3268/INVALID, which formed part of a number of applications addressing various planning aspects and requirements for the occupation of the premises by the current occupier (signage, new shopfront, rear glazed conservatory).
- 2.2 After a lengthy process, it was agreed that the 2015 application should be withdrawn and a new application submitted to coincide with the change of use application.
- 2.3 Gail's has been cooking and serving hot food for consumption on the premises, but the authorised use is A1 generating numerous complaints from the neighbouring residents. [See relevant Enforcement History above]. Following a thorough investigation by the Enforcement Team, the Council came to the conclusion that the operation fell under an A3 use class and that therefore a change of use from A1 to A3 would be required, should Gail's wish to continue providing cooked breakfasts.
- 2.4 Although two separate applications have been submitted, both proposals are being assessed together.

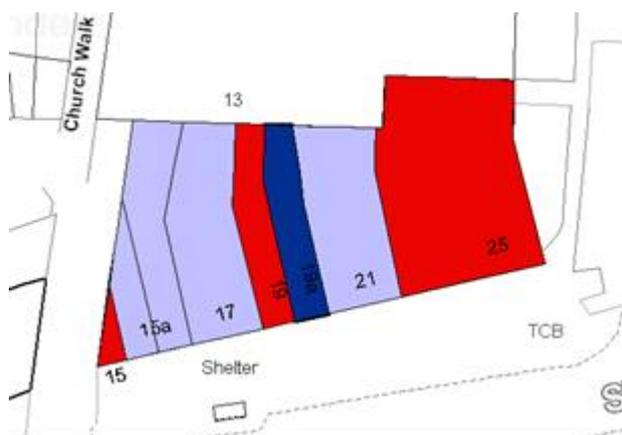
3. Assessment

- 3.1 The principle considerations in the determination of these applications are:
 - Land Use
 - Amenity
 - Design and Heritage

4. Land Use

- 4.1 The ground floor level is currently operating as a bakery (A1 Class) selling bread, pastries etc. along with hot and cold drinks for consumption on and off the premises where some limited seating is provided. Further tables and chairs can be found outside, on the forecourt in front of the shop.
- 4.2 The ground floor covers an area of approximately 73.2sqm – main body of the shop – and an overall size area covering 87.2sqm with the glazed conservatory. The bakery operates between the hours of 07.30 and 19.00 every day.
- 4.3 Policy TC2 of the Camden Local Plan 2017 states that the Council will promote successful and vibrant centres throughout the borough to serve the needs of residents, workers and visitors, and will ensure that development in its centres is appropriate to the character and role of the centre in which it is located and does not cause harm to neighbours, the local area, or other centres.
- 4.4 Policy TC4 also states that the Council will ensure that the development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours. There are a number of considerations, including the cumulative impact of food, drink and entertainment uses, the health impacts of development, the impact of the development on nearby residential uses and amenity and any prejudice to future residential development, parking, stopping and servicing and the effect of the development on ease of movement on the footpath, noise and vibration, fumes likely to be generate, the potential for crime and antisocial behaviour, including littering.
- 4.5 The application site is within the Swains Lane Neighbourhood Centre. However, the Council's primary concern is protecting the vitality and viability of centres and CPG5 advises that for Neighbourhood Centres we will generally resist any schemes that would result in less than 50% of ground floor premises being in retail use (A1 Class), or more than 3 consecutive premises being in non-retail use.
- 4.6 The below plan shows the use class of the various units operating between Nos.15 and 25 Swain's Lane, and colour coded as follows:

- Red: A1 (Retail)
- Dark Blue: A2 (Financial and Professional)
- Light Blue/Grey: A3 (Café/Restaurant)



4.7 In accordance with CPG5 – Town Centres – paragraph 8.5 to 8.8, a frontage will start at a road junction or where there are ground floor residential uses in the run, at the beginning of the first two consecutive non-residential uses at ground floor level and ends at roadways that interrupt the run of premises. The percentage is calculated as the number of premises in the specified use (e.g. food, drink and entertainment use) as a percentage of the total number of premises within the frontage. All calculations should be based upon the existing lawful use of the properties and valid planning permissions with potential to be implemented, and refer only to ground floor uses. In some instances a shop unit may include a number of addresses, such as where two shops have been combined into one.

4.8 The below table is establishing the current use class of the 6 units all located at ground floor level and within the cluster of premises stretching from Nos.15 to No.25 Swain’s Lane:

Address Number	Use Class
No 15 (St Anne’s Shop)	A1
No 15A-17 (Kalendar)	A3
No 19 (Theo’s Hair Salon)	A1
No19A (Fitzroys Estate Agent)	A2
No 21 (Gail’s)	A1 (to go to A1/A3)
No23-25 (Tesco)	A1

4.9 The number of A1, A2 and A3 units have been calculated as the business they represent. Kalendar is spread over No15a and No17 and counts as one A3 unit. The same applies to Tesco at No23-25, also counting as one A1 unit. The above table demonstrates that there are currently 4 x A1 units at No15 (St Anne’s shop), Theo’s Hair Salon, Gail’s (operating under the A1 use class) at No21 and Tesco at No23-25, 1 x A3 unit at No15a-17 (Kalendar) and 1 x A2 unit at No19a (Estate Agent).

4.10 The change of use at No.21 would push the amount of A3 units to 2, with an 1 x A2 unit and leaving 3 x A1 units left. CPG5 – Town Centres requires that a minimum of 50% A1 units are retained within a parade of shops. The above clearly supports the minimum of 3 out of 6 units to operate under an A1 use class. The change of use from A1 to a mix A1/A3 is therefore supported.

- 4.11 The retail area occupies roughly 80% of the ground floor level (not including the toilets). This supports the predominant A1 nature of the operation in terms of sales of bread product and pastries. However, the A3 use would be introduced through the processing and eating of cooked food on any part of the premises.
- 4.12 As per above, the change of use of the premises from A1 to a mix A1/A3 use class may result in the loss of a straight Class A1 unit, it does however fall within the requirement of the minimum of 50% - 4 x A1 remaining out of 8 units, to be sitting between Tesco to the right (Class A1) and Estate Agent to the left (Class A2). The use of the building is likely to contribute positively to the street scene and the character and appearance of the wider area as it will provide an active frontage.
- 4.13 The proposed change of use is therefore considered to be acceptable and in accordance with the policies TC2, TC4 of the Camden Local Plan 2017.

5. Amenity

Servicing and Refuse

- 5.1 The arrangement for the collection and storage of the refuse is to continue as the existing arrangement. The change of use will not detrimentally impact the amount or type of waste produced.

Deliveries

- 5.2 The number and type of deliveries generated by the bakery/café will not change. The only addition to the proposed operation is the serving of cooked breakfast. The ingredients required to produce such dishes will not result in a drastic impact on the current delivery arrangements – the bulk being bread products and pastries.

Traffic Management

- 5.3 The level of traffic that is generated by the presence and activity of the bakery will not change either, equally as above. If the serving of some cooked food is to increase the number of customers coming onto the premises, the increase would be small and would not further exacerbate any potential traffic/parking issues.
- 5.4 The traffic that is generated by the businesses within this parade of shops is unlikely to be affected by the change of use.

Noise

- 5.5 The existing flue on the flat roof of the outbuilding located in the rear courtyard is to be retained. It is to be connected to an additional Odour Mitigation and Noise Attenuation system that will be housed in the outbuilding, alongside Air Conditioning units.
- 5.6 In most cases, the flue duct associated with an A3 use has to expel the odour at a minimum of 1.2m above roof level. The presence of rear roof terraces from No15 all the way to No23 renders the implementation of such a duct impossible. The proposed solution is to address the matter of odour and fumes extract by providing a ventilation system consisting of a double pass carbon filter and odour attenuation unit and a noise attenuation silencer and fan unit, all of which will be connected to the existing flue. This would considerably reduce the level of odour prior to being released out of the flue.
- 5.7 The flue is located approximately 4.3m away from the nearest window located at 1st Floor level above the bakery. This is considered to be sufficient to allow for the extract of any 'left-over' fumes and smell produced by small amounts of cooking once passed through the proposed filtration system. The 4.3m distance between the flue and the nearest residential window will assist in reducing the impact of any potential remaining smell/odour from the small cooking/hot food preparation onto the neighbours.
- 5.8 A condition is to be added in relation to the commencing of the A3 use only once the odour attenuation measures have been implemented in line with the documentation approved. Therefore primary cooking can only take place once the necessary plant has been installed and operational so that no detrimental harm would result from the approved use.
- 5.9 The ventilation of the internal equipment is provided by the roof mounted 'mushroom' extract vent also located on the flat roof.
- 5.10 An Odour Control Maintenance Statement, Full Maintenance Plan with Recording Sheet, Commercial Kitchen Filtration Defra Report and a Plant Noise Assessment report have been provided. All have been provided following the advice of and assessed by the Council's Environmental Health Officer and were found to be satisfactory.

5.11 Conditions are to be added to the decisions in line with the recommendations from the Environmental Health Officer.

Tables and Chairs

5.12 Camden Planning Guidance CPG5 (Town Centres) states that Tables and chairs placed outside buildings can provide alternative facilities for dining and drinking and contribute to the vibrancy and character of an area. However outdoor seating areas may also generate negative impacts in terms of expanding or intensifying food and drink uses, users generating noise leading to a loss of residential amenity, tables and chairs obstructing the footway, particularly for people with disabilities, creating an impediment to street cleaning and rubbish collection, and providing areas of opportunities for crime and anti-social behaviour like begging and theft. In addition outdoor seating areas of an inappropriate form may detract from the character of the area.

5.13 The forecourt forms part of the curtilage of the property and is fronting Swain's Lane. It is to be used for tables and chairs in the similar fashion as it has been in place and used since the start of the operation. Restriction to its use is to fall within the opening hours of the business and secured by condition to ensure Amenity.

Conditions

5.14 No additional conditions are required in relation to Servicing and Refuse, Deliveries, Traffic Management. The implementation of an A3 use to the current operation would not impact on or increase the volume/collection of waste, the frequency of deliveries and the volume of traffic generated by the business and its presence on the commercial part of Swain's Lane.

6. Design

Flue and Extract Vent

6.1 The existing flue is of discreet proportion – measuring approximately 0.7m in height and sits on the corner of the flat roof adjacent to the glazed roof of the conservatory and the boundary wall.

6.2 The Extract Vent (cowl) – also in place – is in the centre of the flat roof. It measures approximately 0.7m in width by 0.7m in depth by 0.4m in height and is shaped like a 'mushroom'. Its purpose is to provide ventilation to the new 2no Air Conditioning units installed within the outbuilding (replacing existing old ones) and the ventilation system serving the exaction of odour and fumes that is to be connected to the existing upright flue also on the flat roof.

6.3 The 2no fixtures are very small and would not appear out of place not add significant clutter to the rear courtyard. Their visibility will not impact negatively on the character and appearance of the host building and surroundings or the character and appearance of the conservation area.

7. Conclusion

7.1 The change of use of the ground floor level from A1 (Retail) to A1/A3 (Retail/Café) would not harm the character of the street, which is characterised by a balanced mix of retail, food and residential uses. The proposal would not cause undue harm to the character, function, vitality and viability of the area and would preserve the commercial nature of the parade of shops.

7.2 The associated alterations, in terms of size, design, location and materials to be used are considered to be acceptable and will preserve the character and appearance of the host and adjacent buildings, the conservation area and the rear streetscape. The disturbance/inconvenience to the neighbours' air quality at the rear, in terms of release of fumes and odours, will be hugely mitigated by the filtration system to be installed and would therefore not harm the surrounding rear area.

8. Recommendation

8.1 Grant conditional Planning Permission

8.2 Grant conditional Planning Permission

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 9th April 2018, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2017/4233/P
Contact: Matthias Gentet
Tel: 020 7974 5961
Date: 5 April 2018

Development Management
Regeneration and Planning
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www.camden.gov.uk

Planning Potential Ltd.
Magdalen House
148 Tooley Street
London
SE1 2TU

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
21 Swain's Lane
LONDON
N6 6QX

DECISION

Proposal:

Change of use from A1(Retail) to mixed A1/A3 (Retail and Cafe/Restaurant) at ground floor level.
Drawing Nos: Design & Access Statement (25/07/2017); Appendix 1 - Planning Policy Context (25/07/2017); [15009_] 1100 rev01, 1101 rev01.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement (25/07/2017); Appendix 1 - Planning Policy Context (25/07/2017); [15009_] 1100 rev01, 1101 rev01.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 The uses hereby permitted shall not be carried out outside the following times 07:30 and 19:00 Mondays to Saturdays and on Sundays and Bank Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, A1, A4, TC1, TC2 and TC5 of the London Borough of Camden Local Plan 2017.

- 4 No primary cooking (including its preparation or serving) shall take place on the premises without all works approved under planning permission ref:2017/5950/P having first been completed.

Reason: To ensure that adjoining residential occupiers and the general area is not affected by odour in accordance with policy A1 of the London Borough of Camden Local Plan 2017.

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Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

David Joyce
Director of Regeneration and Planning

Application ref: 2017/5950/P
Contact: Matthias Gentet
Tel: 020 7974 5961
Date: 5 April 2018

Development Management
Regeneration and Planning
London Borough of Camden
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Planning Potential Ltd.
Magdalen House
148 Tooley Street
London
SE1 2TU

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
21 Swain's Lane
LONDON
N6 6QX

DECISION

Proposal:

Retention of extract flue and cowl to flat roof in rear courtyard and installation of additional odour mitigation and noise attenuation equipment within rear extension. (Associated with ref:2017/4233/P)

Drawing Nos: Full Maintenance Plan with Recording Sheet; Odour Control Maintenance Statement; Revised Design and Access Statement (received 23/10/2017); Cover Letter (25/10/2017); 0000 (Site Location Plan), 0100 Rev01; 0101 Rev01; 0200 Rev01; 0300 Rev01; 1100 Rev06; 1101 Rev06; 1200 Rev06; 1300 Rev06 - Floor Plans, Elevations and Sections (26/10/2017).

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: Full Maintenance Plan with Recording Sheet; Odour Control Maintenance Statement; Revised Design and Access Statement (received 23/10/2017); Cover Letter (25/10/2017); 0000 (Site Location Plan), 0100 Rev01; 0101 Rev01; 0200 Rev01; 0300 Rev01; 1100 Rev06; 1101 Rev06; 1200 Rev06; 1300 Rev06 - Floor Plans, Elevations and Sections (26/10/2017).

Reason: For the avoidance of doubt and in the interest of proper planning.

- 4 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the [adjoining] premises [and the area generally] in accordance with the requirements of policies G1, CC1, D1, and A1 of the London Borough of Camden Local Plan 2017.

- 5 Prior to use, plant or equipment and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).

- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 Your attention is drawn to the hereby approved ventilation and the extraction of cooking fumes and smells system whereby any development not in accordance with the approved plans could result in enforcement action.
- 4 No primary cooking (including its preparation or serving) shall take place on the premises without all works approved under planning permission ref:2017/5950/P having first been completed.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

David Joyce
Director of Regeneration and Planning

DRAFT

DECISION